



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/760,314

01/21/2004

Hiroki Yamamoto

03500.000047.

1541

5514 7590 07/17/2007  
FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

NEWAY, SAMUEL G

ART UNIT

PAPER NUMBER

2626

MAIL DATE

DELIVERY MODE

07/17/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/760,314	<b>Applicant(s)</b> YAMAMOTO, HIROKI	
	<b>Examiner</b> Samuel G. Neway	<b>Art Unit</b> 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/20/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This is responsive to the Application filed on 21 January 2004.

#### ***Claim Objections***

2. Claims 1 and 19 – 21 are objected to because of the following informalities: it is believed that the limitations “creating first document data” and “reading second document data” should read ‘creating a first document data’ and ‘reading a second document data’ respectively.
3. A series of singular dependent claims is permissible in which a dependent claim refers to a preceding claim which, in turn, refers to another preceding claim.

A claim which depends from a dependent claim should not be separated by any claim which does not also depend from said dependent claim. It should be kept in mind that a dependent claim may refer to any preceding independent claim. In general, applicant's sequence will not be changed. See MPEP § 608.01(n).

Claims 10 and 14 depend upon dependent claim 9 whereas claims 11 – 13 do not depend upon claim 9.

#### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 19 and 20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 19 and 20 are directed to a "control program". Program code is functional descriptive material and therefore non-statutory, absent being claimed in combination with the necessary hardware to enable the software to act as a computer component and realize its functionality.

Computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer, which permit the computer program's functionality to be realized.

In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 – 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (USPN 6,308,151).

Claim 1:

Smith discloses a method for creating a speech recognition dictionary that is used for creating first document data through voice input in an application (Abstract), the method comprising the steps of:

detecting if a document data creation processing is started (FIG. 4, step 52 and related text);

reading second document data obtained by the application when the document data creation processing is started (FIG. 4, step 56 and related text);

analyzing the second document data read and extracting at least one unknown word therefrom that does not exist in an existing speech recognition dictionary (FIG. 4, step 58 and related text); and

creating a speech recognition dictionary containing the at least one unknown word (FIG. 4, step 70 and related text).

Claim 2:

Smith discloses method for creating a speech recognition dictionary that is used for creating a mail through voice input in an application (Abstract), the method comprising the steps of:

detecting if a mail creation processing is started (FIG. 4, step 52 and related text);

reading document data obtained by the application when the mail creation processing is started (FIG. 4, step 56 and related text);

analyzing the document data read and extracting at least one unknown word therefrom that does not exist in an existing speech recognition dictionary (FIG. 4, step 58 and related text); and

creating a speech recognition dictionary containing the at least one unknown word (FIG. 4, step 70 and related text).

Claim 3:

Smith discloses a method according to claim 1, wherein the application includes a function to send and receive document data to and from outside, and the second document data obtained by the application is received from outside by the application ("E-mail message... ", Abstract).

Claim 4:

Smith discloses a method according to claim 2, wherein the application includes a function to send and receive document data to and from outside, and the document data obtained by the application is received from outside by the application ("E-mail message... ", Abstract).

Claim 5:

Smith discloses a method according to claim 1, wherein the second document data obtained by the application is a mail that is received by the application ("E-mail message... ", Abstract).

Claim 6:

Smith discloses a method according to claim 1, wherein the second document data obtained by the application is a web page obtained by the application ("E-mail message... ", Abstract).

Claim 7:

Smith discloses a method according to claim 1, further comprising the steps of: detecting if the document data creation processing is completed; and deleting the speech recognition dictionary containing the at least one unknown word when the document data creation processing is completed (FIG. 4, step 78 and related text).

Claim 8:

Smith discloses a method according to claim 2, further comprising the steps of: detecting if the document data creation processing is completed; and deleting the speech recognition dictionary containing the at least one unknown word when the document data creation processing is completed (FIG. 4, step 78 and related text).

Claim 9:

Smith discloses a method according to claim 1, further comprising the steps of: storing time information indicating when the speech recognition dictionary containing the at least one unknown word is created; and deleting the speech recognition dictionary containing the at least one unknown word when a specified period of time has elapsed from a time indicated by the time information ("it may be desirable to delay removal of the updates until after the sequence of related E-mails has been completed. Thus, conventional delaying schemes may be implemented, if desired.

Automated delaying schemes may comprise a fixed time delay following satisfactory dictation of a responsive E-mail", col. 6, lines 24-31).

Claim 10:

Smith discloses a method according to claim 9, wherein the time information indicates date and time when the speech recognition dictionary containing the at least one unknown word is created (delaying schemes may comprise a fixed time delay following satisfactory dictation of a responsive E-mail", col. 6, lines 24-31. Note that date and time information is inherent in a fixed time delay).

Claim 11 (as best understood):

Smith discloses a method according to claim 1, wherein the at least one unknown word includes a plurality of unknown words, and the method further comprising the steps of:

storing registration time information for each of the plurality of unknown words, when the speech recognition dictionary containing the plurality of unknown words is created; and deleting each one of the plurality of unknown words when a specified period of time set for the each one of the plurality of unknown words has elapsed from a time indicated by the time information ("it may be desirable to delay removal of the updates until after the sequence of related E-mails has been completed. Thus, conventional delaying schemes may be implemented, if desired. Automated delaying schemes may comprise a fixed time delay following satisfactory dictation of a responsive E-mail", col. 6, lines 24-31).

Claim 12:



Smith discloses a method according to claim 11, wherein the registration time information indicates date and time when the each of the plurality of unknown words is registered (delaying schemes may comprise a fixed time delay following satisfactory dictation of a responsive E-mail", col. 6, lines 24-31. Note that date and time information is inherent in a fixed time delay).

Claim 13:

Smith discloses a method according to claim 12, wherein, when the second document data analyzed contains at least one word that is registered in an existing speech recognition dictionary containing unknown words, the step of extracting the plurality of unknown words includes the step of updating the registration time information of at least one of the unknown words in the existing speech recognition dictionary containing unknown words corresponding to the at least one word contained in the second document data analyzed (col. 6, lines 24-40).

Claim 14:

Smith discloses a method according to claim 9, wherein the specified period of time is settable to any one of different values (delaying schemes may comprise a fixed time delay following satisfactory dictation of a responsive E-mail", col. 6, lines 24-31).

Claim 15:

Smith discloses a method according to claim 1, wherein the speech recognition dictionary containing the at least one unknown word extracted is created for each of a plurality of transmission destinations (FIG. 4, step 74 and related text. Note that the update is made for every email).

Claim 16:

Smith discloses a method according to claim 2, wherein the speech recognition dictionary containing the at least one unknown word extracted is created for each of a plurality of transmission destinations (FIG. 4, step 74 and related text. Note that the update is made for every email).

Claim 17:

Smith discloses a method according to claim 5, wherein the speech recognition dictionary containing the at least one unknown word extracted is created for each of a plurality of subjects of mails received by the application (FIG. 4, step 74 and related text. Note that the update is made for every email).

Claim 18:

Smith discloses a method according to claim 6, wherein the speech recognition dictionary containing the at least one unknown word extracted is created for each of a plurality of URLs of web pages (Abstract, FIG. 4, step 74 and related text. Note that the update is made for every email).

Claims 19, 21, and 23 are similar in scope and content to claim 1 and are rejected with the same rationale.

Claims 20, 22, and 24 are similar in scope and content to claim 1 and are rejected with the same rationale.

**Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Tahara et al (USPN 6,952,675) discloses a method for examining words in a sentence to determine whether there are unknown words that are not registered in the speech recognition dictionary, but for which the sounds-like spelling is available. If an unknown word is found, a base form, for which the pronunciation is inferred from the sounds-like spelling, is prepared and is registered in the speech recognition dictionary.

b. Ju et al (USPN 7,146,320) discloses a method for responding to an electronic mail message with a limited input device such as a phone includes audibly rendering the question and a set of proposed answers typically provided in the electronic mail message by the sender of the electronic mail message.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel G. Neway whose telephone number is 571-270-1058. The examiner can normally be reached on Monday - Friday 8:30AM - 5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SN

SN



DAVID HUDSPETH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600